

**REMARKS**

**1. Interview**

The undersigned thanks the Examiner for her time and courtesy in discussing the application by telephone on December 20, 2004. In the interview, the distinction between “programs” and “program segments” was discussed, with the Examiner indicating that use of the term “program segment” could read on a portion of a program transmitted according to a schedule of programming and included in a preview of the program.

**2. Office Action**

Claims 1 – 26 have been examined and stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pat. No. 5,734,853 (“Hendricks”) in view of U.S. Pat. No. 5,614,940 (“Cobbley”).

As Applicants best understand, Hendricks is relied on for disclosing all claim elements of the independent claims except for the requirement that the user be granted control to manipulate progression of a particular program segment. Furthermore, it appears that in drawing a correspondence between the claim limitations and the disclosure of Hendricks, the Office Action is (1) identifying complete programs transmitted according to a linear schedule on a pay-per-view basis in Hendricks with the “first set of program segments”; and (2) identifying previews and advertising clips available in Hendricks with the “second set of program segments.” The independent claims have been amended to preclude such identifications by limiting the claims to refer to “programs” instead of to “program segments” and requiring that “the counterpart in the second set of programs [be] substantially identical to the at least one of the first set of programs.” Thus, at least some of the same programming is both transmitted according to a schedule of programming and stored on a server to permit a user to manipulate progression of the programming. This is not disclosed in Hendricks because the complete

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programs are different from previews or advertising clips. The resulting combination of limitations is neither taught nor suggested by the cited art. Applicants understand the Examiner to have agreed during the interview that limiting the claims to refer to "programs" in a consistent manner distinguishes from the cited art.

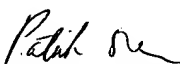
Examination of the claims as amended is respectfully requested.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

  
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